

U.S. Department of Justice

United States Attorney
Southern District of New YorkThe Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

April 19, 2010

The Honorable Robert W. Sweet
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

So ordered
Sweet
4/20/10 (TC)

Re: United States v. Dugan,
10 Cr. 006 (RWS)

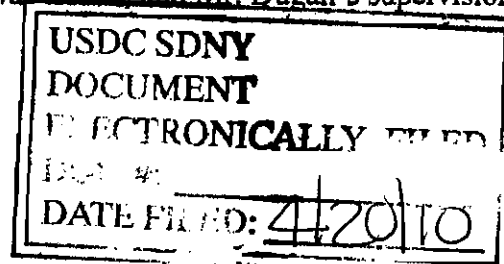
Dear Judge Sweet:

The Government respectfully requests, pursuant to 18 U.S.C. § 3148, that the Court revoke the pretrial release of Richard Dugan and require that Mr. Dugan be detained until the conclusion of trial. The Government further requests that the Court issue a warrant for the arrest of Mr. Dugan and that he be brought before the Court as promptly as possible.

Mr. Dugan and a co-defendant, Theodore Puckett, are charged in a one-count Information with violating the Freedom of Access to Clinic Entrances Act, 18 U.S.C. § 248, by physically obstructing entryways to a clinic that provides reproductive health services. Mr. Dugan was arrested on December 14, 2009, and was released on his own recognizance subject to several conditions, including regular pretrial supervision.¹ Trial was scheduled to start today, and the United States Marshals Service ("USMS") had arranged for non-custodial travel pursuant to an Order of the Court.

On April 14, 2010, however, Mr. Dugan called Assistant United States Attorney Alvin Bragg in response to a message from the Government concerning the possibility of scheduling a pretrial conference. Mr. Dugan informed Mr. Bragg that he would not participate in his trial. When told that the Court might issue a bench warrant if he failed to appear, Mr. Dugan stated, in sum and substance, that the USMS knows his address and that, if the Court so decides, the USMS can arrest Mr. Dugan and transport him in custody.

¹Shortly after his release, Mr. Dugan left the New York area without providing adequate notice to his pretrial services officer. A bench warrant was issued, and Mr. Dugan's supervision was transferred to the Western District of Louisiana.



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Mr. Dugan also left a voice mail message for the officer supervising his pretrial release in the Western District of Louisiana on April 14, 2010. According to that officer, Mr. Dugan stated, in sum and substance, that he would not be present for a home visit scheduled by that officer for Friday, April 16, 2010, and would not appear in court unless he was arrested and transported in custody. Mr. Dugan also indicated that he would only return phone calls from the officer if the officer advised him that a warrant had been issued for his arrest.

Mr. Dugan has both refused to subject himself to pretrial supervision, which was among the conditions of his release, and refused to appear for his trial. In these circumstances, we respectfully submit, Mr. Dugan's pretrial release should be revoked, and he should be arrested, brought to this Court and detained pending trial.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: Alvin L Bragg
Alvin Bragg/Ross Morrison
Assistant United States Attorneys
Tel.: (212) 637-1085/2691
Fax: (212) 637-2527

cc: Richard Dugan
Sabrina Shroff, Esq.